

- Q! cancelled by comp*
- h) receiving additional requests until said period of time expires; and
  - i) authorizing viewing or delivering of said requested program after said period of time expires.
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### REMARKS

Applicants thank the Examiner for the in-person interview held on October 23, 2002, and for indicating that the amended claims appear to overcome the art rejection and the double patenting rejection of record.

Claims 1-21 and 23-25 are pending in this application. By this amendment, claim 22 is cancelled; claims 1, 9, 10, 17, and 20 are amended; and new claim 25 is added. Claim 25 incorporates allowable subject matter of claim 21 in independent form. Support for the claim amendments can be found at least on page 15, line 22-24, page 24, lines 21-22, and page 25, lines 20-23. No new matter is introduced. Reconsideration and prompt allowance of the claims is respectfully requested.

#### **I. Double Patenting Rejections**

Claims 1-24 were rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 15-16 and 54-55 of U.S. Patent 6,201,536 (hereinafter the '536 patent). (The Applicants note that the present application is a continuation application of the '536 patent cited in the Office Action). The Office Action notes that application claim 1 is not patentably distinct from patented claim 15. The Office Action cites the claimed "a file server, coupled to said network manager, receives said first authorization code, wherein said file server pools said requested program or downloads a second authorization code" (application claim 1) as corresponding to "sending means, connected to the locating means, for sending the located data to the individual subscriber that initiated the subscriber request...for processing" in claim 15 of the '536 patent. Applicants respectfully traverse the rejection of claim 1 and request reconsideration therein.

Claim 15 of the '536 patent merely recites a sending means for sending the located data to the individual subscriber for processing, and does not descramble the requested program using a second authorization code, as recited in revised application claim 1. Thus, applicants assert

that claim 15 of the '536 patent is patentably distinct from claim 1 of the present application.

For at least the same reasons stated with respect to claim 1, Applicants assert that revised application claim 9, 10, 17, and 20 are patentably distinct from claims 15 and 16 of the '536 patent.

Application claims 2-8, 11-16, 18-19, and 21-24 depend from application claims 1, 10, 17, and 20, respectively, and add further limitations herein that are neither suggested nor disclosed by the '536 patent claims. Therefore, Applicants asserts that claims 2-8, 11-16, 18-19, and 21-14 are patentably distinct from the '536 patent.

For the foregoing reasons, the Applicants respectfully request that the double patenting rejections be withdrawn.

## **II. 35 U.S.C. § 103 Rejections**

Claims 1-20 and 23-24 were rejected under 35 U.S.C. §103 (a) as being unpatentable over U.S. Patent No. 5,631,693 to Wunderlich et al. (hereinafter Wunderlich) and U.S. Patent No. 5,818,511 to Farry et al. (hereinafter Farry). The Applicants respectfully traverse.

Wunderlich is directed to a method and apparatus for providing on demand services in a subscriber system. Farry is directed to a digital switching network that accommodates a full range of broadband and narrowband digital technologies. However, neither Wunderlich nor Farry, individually or in combination, discloses or teaches "said file server spools said requested program or downloads a second authorization code when the requested program is scrambled, wherein the second authorization code descrambles said scrambled requested program" as recited in amended claim 1. Since neither Wunderlich nor Farry discloses or teaches all elements of amended claim 1, claim 1 is allowable over Wunderlich and Farr.

Claims 2-8 are allowable because they depend from allowable claim 1 and for the additional features they recite. Applicants therefore respectfully request withdrawal of the rejection of claims 1-8 under 35 U.S.C. §103 (a).

With respect to claim 9, neither Wunderlich nor Farry, individually or in combination, discloses or teaches "said file server spools said requested program or downloads a second authorization code when the requested program is scrambled, wherein the second authorization code descrambles said scrambled requested program" as recited in amended claim 9.

Accordingly, claim 9 is allowable over Wunderlich and Farr. Applicants therefore respectfully

request withdrawal of the rejection of claim 9 under 35 U.S.C. §103 (a).

With respect to claim 10, neither Wunderlich nor Farry, individually or in combination, discloses or teaches “a file server, connected to said authorization component, to receive a first authorization code..., and to spool said requested program or to download a second authorization code when the requested program is scrambled, wherein the second authorization code descrambles said scrambled requested program” as recited in amended claim 10. Accordingly, claim 10 is allowable over Wunderlich and Farr.

Claims 11-16 are allowable because they depend from allowable claim 10 and for the additional features they recite. Applicants therefore respectfully request withdrawal of the rejection of claims 10-16 under 35 U.S.C. §103 (a).

With respect to claim 17, neither Wunderlich nor Farry, individually or in combination, discloses or teaches “a file server, connected to said authorization component, to receive a first authorization code..., and to spool said requested program or download a second authorization code when the requested program is scrambled, wherein the second authorization code descrambles said scrambled requested program” as recited in amended claim 17. Accordingly, claim 17 is allowable over Wunderlich and Farr.

Claims 18-19 are allowable because they depend from allowable claim 17 and for the additional features they recite. Applicants therefore respectfully request withdrawal of the rejection of claims 17-19 under 35 U.S.C. §103 (a).

With respect to claim 20, neither Wunderlich nor Farry, individually or in combination, discloses or teaches “downloading a second authorization code when the requested program is scrambled, wherein the second authorization code descrambles said scrambled requested program” as recited in amended claim 20. Accordingly, claim 20 is allowable over Wunderlich and Farr.

Claims 23-24 are allowable because they depend from allowable claim 20 and for the additional features they recite. Applicants therefore respectfully request withdrawal of the rejection of claims 20 and 23-24 under 35 U.S.C. §103 (a).

Claim 22 was rejected under 35 U.S.C. §103 (a) as being unpatentable over the combined systems of Wunderlich and Farry and further in view of U.S. Patent No. 4,677,685 to Kurisu (hereinafter Kurisu). Claim 22 has been cancelled, thus rendering this rejection moot.

In view of the above remarks, Applicant respectfully requests reconsideration and

allowance of all pending claims.

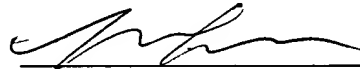
Attached hereto are a marked-up version of the changes made to the claims by the current amendment, and a clean version of all pending claims. The attached pages are captioned

**“Version with markings to show changes made”** and **“Pending Claims.”**

The Commissioner is hereby authorized to charge or credit any deficiencies in connection with this response to deposit account No. 04-1425.

Respectfully Submitted,

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**VERSION WITH MARKINGS TO SHOW CHANGES MADE**

**IN THE CLAIMS:**

1. (Amended) An apparatus for video on demand programs comprising:
  - a receiver to receive requests for video on demand programs;
  - a network manager, connected to said receiver, to process said program requests; and
  - an authorization component, connected to said network manager, to transmit a first authorization code to enable set top terminals to receive a requested program;
  - a file server, coupled to said network manager, receives said first authorization code, wherein said file server spools said requested program or downloads a second authorization code when the requested program is scrambled, wherein the second authorization code descrambles said scrambled requested program.
  
9. (Amended) An apparatus for delivering video on demand programs to set top terminals comprising:
  - (a) a receiver to receive requests for video on demand programs from the set top terminals;
  - (b) a network manager, connected to said receiver, comprising:
    - a processor to process said program requests, wherein said processor includes an instruction memory and said processor comprises control software to compile, group or count said program requests;
  - (c) an authorization component, connected to said network manager by an interface, to transmit a first authorization code to enable the set top terminals to receive a requested program; and
  - (d) a file server, connected to said network manager, to receive said first authorization code, wherein said file server spools said requested program or downloads a second authorization code when the requested program is scrambled, wherein the second authorization code descrambles said scrambled requested program.
  
10. (Amended) An apparatus for video on demand programs comprising:
  - an authorization component to receive requests for video on demand programs;
  - an interface connected to said authorization component;

a network manager, connected to said interface, to process said program requests; and  
a file server, connected to said authorization component, to receive a first authorization code to enable set top terminals to receive a requested program, and to spool said requested program or to download a second authorization code when the requested program is scrambled, wherein the second authorization code descrambles said scrambled requested program.

17. (Amended) An apparatus for delivering video on demand programs to set top terminals comprising:

an authorization component to receive requests for video on demand programs from the set top terminals;

an interface connected to said authorization component;

a network manager, connected to said interface, comprising:

a processor to process said program requests, wherein said processor includes an instruction memory, and said processor comprises control software to compile, group or count said program requests; and

a file server, connected to said authorization component, to receive a first authorization code to enable the set top terminals to receive a requested program, and to spool said requested program or download a second authorization code when the requested program is scrambled, wherein the second authorization code descrambles said scrambled requested program.

20. (Amended) A method for delivering video on demand programming comprising the steps of:

a) receiving a request for a video on demand program from a set top terminal;

b) processing at least one received request;

c) sending a first authorization code to a file server to enable set top terminal to receive a requested program;

d) spooling said requested program from said file server; [and]

e) authorizing viewing or delivering of said requested program; and

f) downloading a second authorization code when the requested program is scrambled, wherein the second authorization code descrambles said scrambled requested program.

25. A method for delivering video on demand programming comprising the steps of:
- a) receiving a request for a video on demand program from a set top terminal;
  - b) processing at least one received request;
  - c) sending a first authorization code to a file server;
  - d) spooling said requested program from said file server;
  - e) authorizing viewing or delivering of said requested program;
  - f) downloading a second authorization code, wherein the second authorization code descrambles said requested program;
  - g) counting a period of time;
  - h) receiving additional requests until said period of time expires; and
  - i) authorizing viewing or delivering of said requested program after said period of time expires.